PROVINCE OF SASKATCHEWAN

07-08

ANNUAL REPORT

MINISTRY OF JUSTICE AND ATTORNEY GENERAL

Freedom of Information and
Protection of Privacy

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This annual report is also available in electronic form from the Ministry's web site at
www.justice.gov.sk.ca

Letter of Transmittal

His Honour the Honourable Dr. Gordon Barnhart
Lieutenant Governor of the Province of Saskatchewan

May it Please Your Honour:

In accordance with Section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2007-2008 annual report of the administration of this Act and the regulations within each government institution during the period April 1, 2007 to March 31, 2008.

Respectfully submitted,

D R Morgan

Don Morgan, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act was passed in June 1991 and proclaimed the following year.

The Act applies to all ministries, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act is really "two Acts in one."

First, the Act provides a right of access to records in the possession or control of provincial government institutions.

Second, the Act establishes protection of privacy rules specifying how the government collects and deals with personal information.

The Act applies to records maintained in written, photographic, audiovisual, computer generated and other formats.

Ministry of Justice and Attorney General Responsibilities

The Ministry of Justice and Attorney General provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Ministry:

- provides a leadership role within government on access and privacy issues, including the collection of statistical information related to Access to Information requests and the preparation of this Annual Report;
- provides or supports training and awareness of access and privacy issues in support of the Act; and
- prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures.

Institutions' Responsibilities

The Act applies individually to each government institution. The "Head" is responsible for decisions under the Act, including responding to applications for access and protecting the privacy of personal information. Under Section 60 of the Act, the "Head" may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right to access records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- how a government institution must respond;
- the collection of fees to prepare the records for response, including when to provide a cost estimate and when the Head may waive those fees;
- setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- identifying reasons under the law for which access to all or part of a record may be denied; and
- the right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act further establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Reports and Analysis

Introduction to Reports

The Ministry of Justice and Attorney General collects and reports statistical information regarding the exercise of and compliance with access rights under the Act. These reports provide statistical information both by individual agency or ministry and by the total provincial government administration.

The statistical reports are included as appendices and include:

Table A - Freedom of Information Statistical Summary Report

- Table A provides a government-level overview of access to information requests processed by government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, the fees estimated and fees collected to process requests for the fiscal years 2003-04 through 2007-08.

Table B - Exemptions Used to Deny Access

- Table B presents a statistical summary of the exemptions applied to deny access for the fiscal years 2003-04 through 2007-08. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each institution, the action taken on those requests, and the fees estimated and collected. If an institution is not listed, it did not receive any general information requests during the 2007-08 fiscal year.
- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- This table shows the number of personal information requests received by each institution, the action taken on those requests, and the fees estimated and collected. Again, if an institution is not listed, it did not receive any personal information requests during the 2007-08 fiscal year.
- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

Note regarding name changes to certain government institutions

In November 2007, there were several name changes to government institutions subject to *The Freedom of Information and Protection of Privacy Act*. The changes are outlined in the table below.

Old Name	New Name
	Enterprise and Innovation *(new)*
	Intergovernmental Affairs *(previously with Government Relations)*
Advanced Education and Employment	Advanced Education, Employment and Labour
Agriculture and Food	Agriculture
Community Resources	Social Services
Corrections and Public Safety	Corrections, Public Safety and Policing
Culture, Youth and Recreation	Tourism, Parks, Culture and Sport
Government Relations	Municipal Affairs
Highways and Transportation	Highways and Infrastructure
Industry and Resources	Energy and Resources
Labour	*Became part of Advanced Education, Employment and Labour*
Learning	Education
Northern Affairs	*Became part of First Nations and Métis Relations*
Property Management	Government Services
Regional Economic and Co-operative Development	*Became part of Enterprise and Innovation*

Statistics in this annual report are presented under the government institution's new name.

Statistics for Labour, Northern Affairs and Regional Economic and Co-operative Development are shown separately for April to November and are incorporated into the statistics for their new ministries for the remainder of the fiscal year.

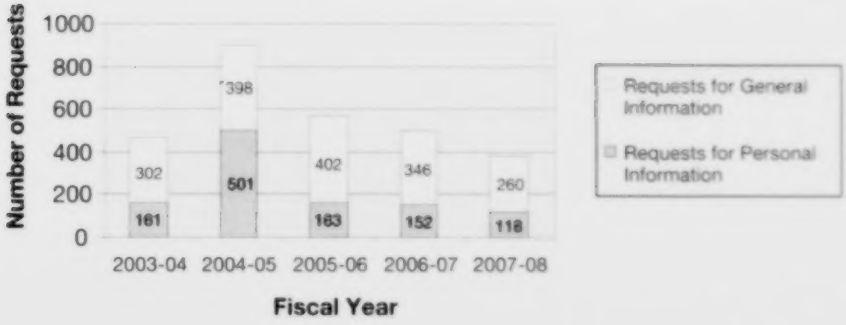
Analysis

Number of Access to Information Requests Processed

In 2007-08, provincial government institutions processed a total of 378 access to information requests – 118 requests for personal information and 260 for general information. This is a decrease over the previous fiscal year.

The following chart shows the number of requests processed by government institutions in each of the past five fiscal years. In 2004-05, a single government institution received a large number of requests for personal information, causing the overall government numbers to rise dramatically. For the remainder of the fiscal years, the numbers ranged from 118 personal information requests in 2007-08 to 163 in 2005-06. The number of general information requests fluctuated up and down, with a low of 260 in 2007-08 and a high of 402 in 2005-06.

Number of Access to Information Requests Processed 2003-04 to 2007-08



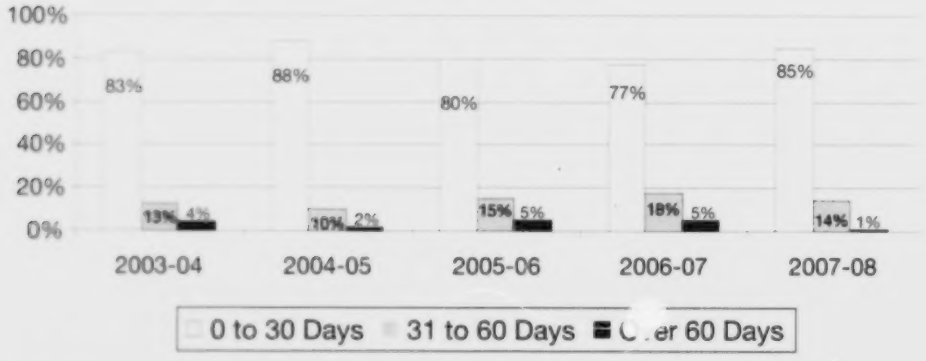
See Tables A, C and D for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30 calendar day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2003-04 to 2007-08, provincial government institutions have responded to access requests within 30 calendar days 82.6 per cent of the time. When combined with the allowable 30 calendar day extension under section 12 of the Act, the average response rate rose to 96.6 per cent over this same five-year period. In 2007-08, government institutions were better than the five-year average, responding within 30 days 85 per cent of the time and within 60 days 99 per cent of the time.

Access Request Processing Times (Personal and General) 2003-04 to 2007-08



Refer to Table A for more details.

Application Outcomes – Personal Information Requests

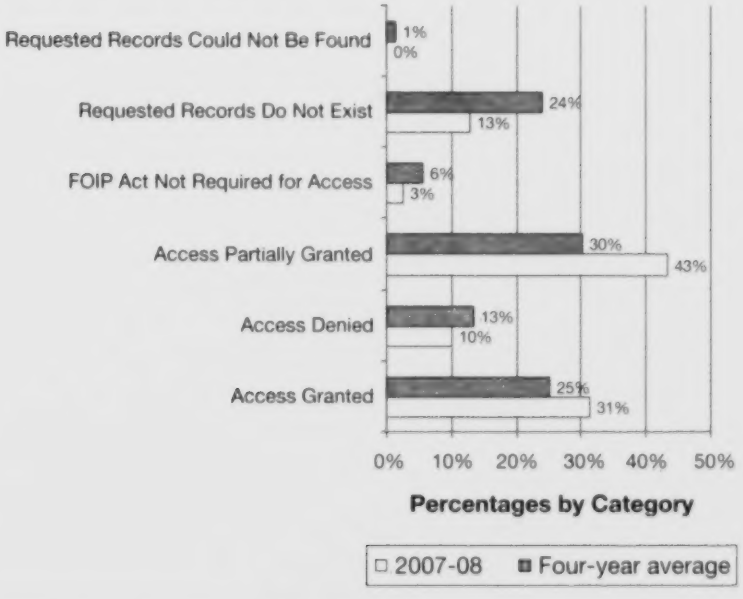
Table A shows the status of applications received by government institutions including: if access to the records was granted, denied, or partially granted; whether the Act was not required for access; and whether the records did not exist or could not be found.

The following chart shows the outcomes for Access to Information requests for personal information. This includes the results for the 2007-08 fiscal year and the average of the four previous fiscal years (2003-04 through 2006-07).

In 2007-08, 31 per cent of access requests for personal information were fully granted, up from the four-year average of 25 per cent. The number of access requests partially granted in 2007-08 was 43 per cent. This is higher than the four-year average of 30 per cent. Finally, in the 2007-08 fiscal year, 10 per cent of requests for personal information were fully denied, a decrease from the four-year average of 13 per cent.

It is important to note that in 2004-05 a single government institution received a large number of personal information requests for records which did not exist. This caused the four-year average for this category of responses to reach 23 per cent. This will also impact on other categories.

Application Outcomes (Personal Requests) 2007-08 Compared to Four-year Average (2003-04 to 2006-07)



Note: Numbers are rounded and may not add up to 100 per cent

Please refer to Tables A and D for additional details.

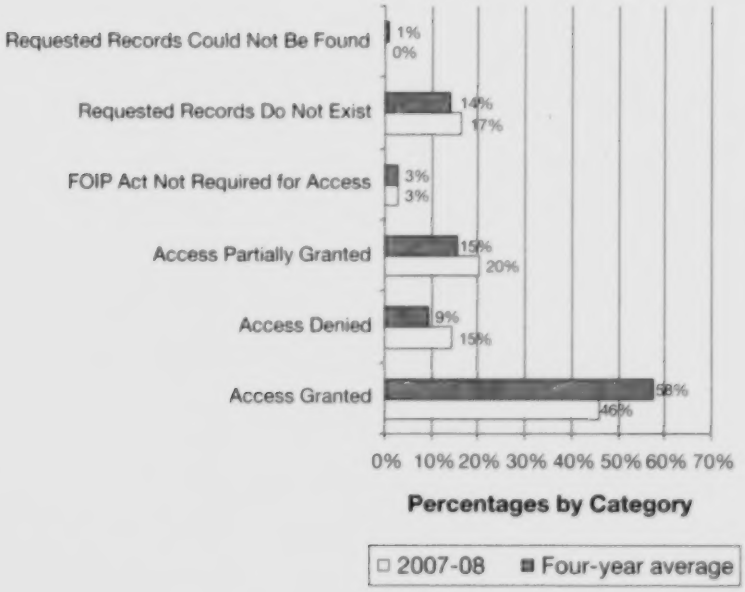
Application Outcomes – General Information Requests

The following chart represents application outcomes for Access to Information requests for general information. This includes results for the 2007-08 fiscal year and the average of the four previous fiscal years (2003-04 through 2006-07).

In 2007-08, 46 per cent of requests for general information were fully granted. This is down from the four-year average of 58 per cent. The number of access requests fully denied in 2007-08 was 15 per cent, up from the previous four-year average of 9 per cent.

The number of access requests partially granted (20 per cent) was up from the previous four-year average of 15 per cent.

Application Outcomes (General Requests) 2007-08 Compared to Four-year Average (2003-04 to 2006-07)



Note: Numbers are rounded and may not add up to 100 per cent

Please refer to Tables A and C for additional details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides a right of review to applicants by the Information and Privacy Commissioner:

- where an applicant is not satisfied with the decision of a head ...;
- where a head fails to respond to an application for access to a record within the required time; or
- where an applicant requests a correction of personal information ... and the correction is not made.

Section 33 of the Act provides the Information and Privacy Commissioner with the authority to conduct privacy investigations.

In 2007-08, provincial government institutions reported that the Information and Privacy Commissioner advised of his intent to review 92 access decisions or privacy matters within government institutions. Based on previous fiscal years, the majority of these will be for access decisions and the vast majority (80 per cent in 2006-07) will be resolved informally without the need for a full report.

Further details on reviews and investigations can be found in the Information and Privacy Commissioner's Annual Report available at **www.oipc.sk.ca**.

Table A
Freedom of Information Statistical Summary Report
2003-04 to 2007-08

	2003-04 Fiscal Year		2004-05 Fiscal Year		2005-06 Fiscal Year		2006-07 Fiscal Year		2007-08 Fiscal Year	
	Personal	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**	**Personal**	**General**
Applications Received	159	372	970	396	176	421	145	396	129	317
Plus: Applications Carried Forward From Last Year	16	19	13	72	480	45	27	41	14	44
Less: Applications Withdrawn	1	17	2	25	466	23	5	28	6	31
Less: Applications Carried Forward to Next Year	13	72	480	45	27	41	14	44	14	30
Less: Applications Transferred Pursuant to Section 11	*	*	*	*	*	*	1	19	5	40
Total Applications Processed	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**	**118**	**260**
Applications Status										
Access Granted	48	188	61	233	56	234	37	179	37	119
Access Denied	37	25	25	39	24	38	17	33	12	38
Partially Granted	58	30	39	73	50	61	71	63	51	53
Do Not Require FOI for Access	7	8	11	10	17	14	9	6	3	7
Records Do Not Exist	9	50	361	37	14	52	15	62	15	43
Records Could Not Be Found	2	1	4	6	2	3	3	3	0	0
Totals	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**	**118**	**260**
Processimg Time of Applications Completed										
Processed Within 30 Days	114	272	464	328	117	333	107	274	108	213
Processed Within 31-60 Days	30	29	23	63	25	60	27	64	8	44
Processed In More than 60 Days	17	1	14	7	21	9	18	8	2	3
Totals	**161**	**302**	**501**	**398**	**163**	**402**	**152**	**346**	**118**	**260**
Total Fees Estimated **	**$45**	**$28,861**	**$0**	**$62,846**	**$25**	**$76,827**	**$7,222**	**$39,851**	**$143,099**	**$35,133**
Total Fees Collected **	**$45**	**$93**	**$45**	**$570**	**$2,485**	**$1,611**	**$45**	**$944**	**$296**	**$1,828**

* Applications transferred were not reported separately in previous fiscal years. Prior to the 2006-07 fiscal year, the total number of transferred applications were subtracted from the number of applications received for that fiscal year.

** The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

Table B Exemptions Used to Deny Access 2003-04 to 2007-08						
Mandatory Exemptions	**Section**	**2003-04 Fiscal Year**	**2004-05 Fiscal Year**	**2005-06 Fiscal Year**	**2006-07 Fiscal Year**	**2007-08 Fiscal Year**
Records From Other Governments	13(1)	2	5	3	8	5
Cabinet Documents	16	6	10	10	15	11
Third Party Information	19	41	35	42	67	49
Confidentiality Provisions in Other Enactments	23	26	15	25	30	5
Disclosure of Personal Information	29	42	72	76	110	78
Personal Information of a Deceased Individual	30	2	0	0	2	0
Totals		**119**	**137**	**156**	**232**	**148**
Discretionary Exemptions	**Section**					
Records from Local Authorities	13(2)	1	8	4	1	3
Information Injurious to Intergovernmental Relations	14	0	0	2	1	3
Law Enforcement and Investigations	15	31	21	23	57	28
Advice from Officials	17	44	44	59	71	91
Economic and Other Interests	18	29	18	27	38	20
Testing Procedures, Tests and Audits	20	0	1	1	3	1
Danger to Health or Safety	21	3	2	14	13	12
Solicitor-Client Privilege	22	17	17	32	33	47
Individual's Access to Personal Information	31(2)	0	0	2	1	1
Totals		**125**	**111**	**164**	**218**	**206**
Other Exemptions	**Section**					
Not a Government Institution	2(1)d	0	0	0	0	0
Published Material or Public Record	3(1)a,b	3	10	9	7	9
Existing Rights Preserved	4	0	0	4	0	0
Right of Access Defined	5	0	0	0	0	0
Unable to Identify a Record	6(3)	0	0	0	0	0
Published Material or Material that is to be Published	7(2)b,c	2	1	0	0	0
Records Do Not Exist	7(2)e	57	405*	68	87	55
Refuse to Confirm/Deny Records Exist	7(4)	3	1	0	1	0
Totals		**65**	**417**	**81**	**95**	**64**

Note: The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

* The increase to the usage of 7(2)(e) for the 2004-05 fiscal year is attributed to a large number of applications received by one ministry for records that did not exist.

Table C
Freedom of Information Statistics by Institution - Applications for General Information
2007-08 Fiscal Year

Institution	Applications Received	Plus: Applications Carried Forward From Last Year	Less: Applications Withdrawn	Less: Applications Carried Forward to Next Year	Less: Applications Transferred to Another Institution	Total Applications Processed	Access Granted	Access Denied	Access Partially Denied	Do Not Require FOI Act for Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour (previously Advanced Education and Employment)*	15	0	0	2	1	12	2	0	10	0	0	0	12	$0.00	$0.00
Agriculture (previously Agriculture and Food)*	9	2	0	0	3	8	1	0	2	0	5	0	8	$336.00	$165.00
Corrections, Public Safety and Policing (previously Corrections and Public Safety)*	10	2	1	0	1	10	4	0	5	0	1	0	10	$0.00	$0.00
Crown Investments Corporation	2	0	0	0	1	1	1	0	0	0	0	0	1	$0.00	$0.00
Education (previously Learning)*	3	2	0	2	2	1	0	0	1	0	0	0	1	$0.00	$0.00
Energy and Resources (previously Industry and Resources)*	4	1	1	1	2	1	0	0	0	0	1	0	1	$282.50	$0.00
Enterprise and Innovation*	5	0	0	2	1	2	0	0	1	0	1	0	2	$400.00	$400.00
Environment	82	5	13	3	0	71	48	3	0	1	19	0	71	$19,517.30	$767.00
Executive Council	29	0	0	0	0	29	3	25	0	0	1	0	29	$0.00	$0.00
Finance	12	0	1	0	4	7	5	0	0	0	2	0	7	$0.00	$0.00
First Nations and Métis Relations	3	2	1	0	1	3	0	0	2	1	0	0	3	$0.00	$0.00
Government Services (previously Property Management)*	5	2	2	0	2	3	1	1	1	0	0	0	3	$0.00	$0.00
Health	15	8	3	1	5	14	6	0	7	0	1	0	14	$0.00	$0.00
Highways and Infrastructure (previously Highways and Transportation)*	4	0	0	1	1	2	1	0	0	0	1	0	2	$0.00	$76.88
Information Services Corporation	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Information Technology Office	1	0	0	0	1	0	0	0	0	0	0	0	0	$0.00	$0.00
Intergovernmental Affairs*	1	0	0	0	1	0	0	0	0	0	0	0	0	$0.00	$0.00
Investment Saskatchewan Inc.	1	0	0	0	0	1	0	0	1	0	0	0	1	$0.00	$0.00
Justice and Attorney General	14	2	1	1	2	12	5	1	6	0	0	0	12	$0.00	$0.00
Labour*	19	2	1	0	0	20	6	4	4	0	6	0	20	$12,420.00	$420.00

Table C (continued)
Freedom of Information Statistics by Institution - Applications for General Information
2007-08 Fiscal Year

Institution	Applications Received	Plus: Applications Carried Forward From Last Year	Less: Applications Withdrawn	Less: Applications Carried Forward to Next Year	Less: Applications Transferred to Another Institution	Total Applications Processed	Access Granted	Access Denied	Access Partially Denied	Do Not Require FOI Act for Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Labour Relations Board	1	0	0	1	0	0	0	0	0	0	0	0	0	$0.00	$0.00
Liquor and Gaming Authority	11	2	0	3	1	9	8	1	0	0	0	0	9	$0.00	$0.00
Municipal Affairs (previously Government Relations)*	2	3	2	0	0	3	0	0	3	0	0	0	3	$0.00	$0.00
Northern Affairs*	0	1	0	0	0	1	0	0	0	0	1	0	1	$0.00	$0.00
Public Service Commission	2	1	0	0	1	2	0	0	0	1	1	0	2	$0.00	$0.00
Sask. Crop Insurance Corporation	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Sask. Gaming Corporation	1	0	0	0	1	0	0	0	0	0	0	0	0	$0.00	$0.00
Sask. Government Insurance	7	1	0	2	1	5	4	0	1	0	0	0	5	$0.00	$0.00
Sask. Housing Corporation	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Sask. Legal Aid Commission	2	0	0	0	0	2	0	0	0	2	0	0	2	$0.00	$0.00
Sask. Power Corporation	19	4	1	0	1	21	10	3	5	1	2	0	21	$0.00	$0.00
Sask. Telecommunications	2	0	0	0	1	1	0	0	1	0	0	0	1	$0.00	$0.00
Sask. Water Corporation	2	0	1	0	1	0	0	0	0	0	0	0	0	$317.50	$0.00
Sask. Watershed Authority	12	1	1	7	0	5	5	0	0	0	0	0	5	$0.00	$0.00
SaskEnergy Incorporated	3	2	1	1	2	1	0	0	0	0	1	0	1	$0.00	$0.00
Social Services (previously Community Resources)*	10	1	1	2	2	6	3	0	2	1	0	0	6	$1,708.55	$0.00
Tourism, Parks, Culture and Sport (previously Culture, Youth and Recreation)*	4	0	0	1	1	2	1	0	1	0	0	0	2	$151.25	$0.00
Workers' Compensation Board	2	0	0	0	0	2	2	0	0	0	0	0	2	$0.00	$0.00
Totals	317	44	31	30	40	260	119	38	53	7	43	0	260	$35,133.10	$1,828.88

* As of November 2007, several government institutions listed in the table above changed names, were newly created or were merged into another government institution. See note on page 5 for further information.

Table D
Freedom of Information Statistics by Institution - Applications for Personal Information
2007-08 Fiscal Year

Institution	Applications Received	Plus: Applications Carried Forward From Last Year	Less: Applications Withdrawn	Less: Applications Carried Forward to Next Year	Less: Applications Transferred to Another Institution	Total Applications Processed	Granted	Denied	Partially Denied	Do Not Require FOI Act for Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour (previously Advanced Education and Employment)*	4	0	0	0	0	4	0	1	2	0	1	0	4	$0.00	$0.00
Corrections, Public Safety and Policing (previously Corrections and Public Safety)*	25	1	3	2	1	20	5	0	14	0	1	0	20	$0.00	$0.00
Education (previously Learning)*	0	2	0	2	0	0	0	0	0	0	0	0	0	$0.00	$0.00
Farm Land Security Board	0	1	1	0	0	0	0	0	0	0	0	0	0	$0.00	$0.00
Finance	3	1	0	0	0	4	4	0	0	0	0	0	4	$0.00	$0.00
Health	10	2	0	0	4	8	2	1	1	2	2	0	8	$0.00	$0.00
Justice and Attorney General	15	1	1	0	0	15	3	3	2	0	7	0	15	$127.50	$0.00
Labour*	2	0	0	0	0	2	2	0	0	0	0	0	2	$0.00	$0.00
Labour Relations Board	1	0	0	0	0	1	0	0	0	1	0	0	1	$0.00	$0.00
Liquor and Gaming Authority	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Public Complaints Commission	1	0	0	0	0	1	0	1	0	0	0	0	1	$0.00	$0.00
Public Service Commission	1	0	0	1	0	0	0	0	0	0	0	0	0	$0.00	$0.00
Sask. Crop Insurance Corporation	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Sask. Government Insurance	45	4	1	7	0	41	14	0	25	0	2	0	41	$750.00	$0.00
Sask. Human Rights Commission	1	0	0	0	0	1	1	0	0	0	0	0	1	$0.00	$0.00
Sask. Power Corporation	3	2	0	0	0	5	1	1	3	0	0	0	5	$280.25	$280.25

Table D (continued)
Freedom of Information Statistics by Institution - Applications for Personal Information
2007-08 Fiscal Year

Institution	Applications Received	Plus: Applications Carried Forward From Last Year	Less: Applications Withdrawn	Less: Applications Carried Forward to Next Year	Less: Applications Transferred to Another Institution	Total Applications Processed	Granted	Denied	Partially Denied	Do Not Require FOI Act for Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
SaskEnergy Incorporated	3	0	0	0	0	3	1	1	1	0	0	0	3	$0.00	$0.00
Social Services (previously Community Resources)*	10	0	0	2	0	8	2	1	3	0	2	0	8	$141,941.50	$16.25
Workers' Compensation Board	3	0	0	0	0	3	0	3	0	0	0	0	3	$0.00	$0.00
Totals	129	14	6	14	5	118	37	12	51	3	15	0	118	$143,099.25	$296.50

* As of November 2007, several government institutions listed in the table above changed names, were newly created or were merged into other government institutions. See note on page 5 for further information.

For more information about access to records and protection of privacy in the Government of Saskatchewan, visit **www.justice.gov.sk.ca/accessandprivacy**